



— State of —
North Dakota

Office of the Governor

John Hoeven
Governor

Executive Order 2007-09

WHEREAS, the people in North Dakota and the tri-state region continue to face extremely low inventories and outages of petroleum products, particularly gasoline supplies, caused by disruptions in refinery production due to refinery slowdowns and weather related shutdowns; and

WHEREAS, drivers of delivery trucks are required to wait for several hours at alternative terminals across the tri-state region for loading, which limits their ability to transport product; and

WHEREAS, the states of Minnesota and South Dakota have declared emergencies and waived the hours of service requirements until July 19, 2007; and

WHEREAS, the Federal Motor Carriers Safety Administration has recognized North Dakota, Minnesota, and South Dakota's emergency waivers and exempted interstate hours of service requirements; and

WHEREAS, it is the responsibility of the state to assist the people of North Dakota in addressing the emergencies, disasters, and other hardships that may face the state and its citizens.

NOW, THEREFORE, I, John Hoeven, Governor of North Dakota, by virtue of the authority vested in me by Article V, Section 1 of the North Dakota Constitution and North Dakota Century Code § 37-17.1, do hereby declare that a state of emergency exists in North Dakota that requires relief from North Dakota Century Code § 39-32-02 pertaining to hours of service for drivers of commercial motor vehicles while transporting heating and motor fuels to customers.

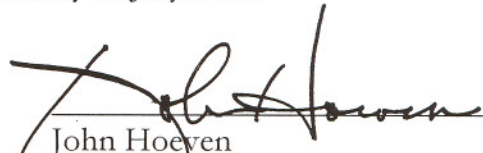
This order is issued on the foregoing bases and on the following conditions:

1. Nothing in this order shall be construed to relieve Carriers operating under this order from regulations pertaining to qualifications of drivers, driving of commercial motor vehicles, or parts and accessories necessary for the safe operation of vehicles.
2. Carriers, while under this order, shall not require or allow fatigued drivers to operate a motor vehicle. A driver who informs a carrier that she/he needs immediate rest shall be given at least ten consecutive hours before the driver is required to return to service.

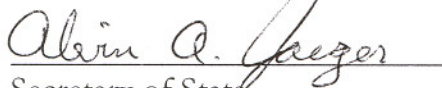
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3. This order shall extend Executive Order 2007-08 and is effective immediately and shall remain in effect for the duration of the emergency or until 12:01 a.m. CDT July 19, 2007, whichever is less.

Executed at Bismarck, North Dakota, this 5th day of July 2007.


John Hoeven
Governor

ATTEST:


Secretary of State


Deputy